

## PART II. LAW OF OWNERSHIP

### CHAPTER 7—GENERAL PROVISIONS

#### Article 92. Rights of an owner

An owner has the right to possess, use and dispose of property within the limits prescribed by law.

#### Article 93. Socialist and personal ownership

Socialist ownership consists of state (popular) ownership; ownership by collective farms, other cooperative organizations and associations thereof; and ownership by public organizations.

Personal ownership serves as one of the means of satisfying the needs of citizens.

### CHAPTER 8—STATE OWNERSHIP

#### Article 94. The state is sole owner of state property

The state is the sole owner of all state property.

State property which is allocated to state organizations is under the operative management of such organizations, which exercise the right to possess, use and dispose of such property within the limits prescribed by law and in accordance with the purposes of their activity, plan tasks and the function of the property.

#### Article 95. Objects of state ownership

Under state ownership are land, its resources, waters, forests, industrial plants, factories, mines, quarries, and electric-power stations; rail, water, air and motor transport; banks and the means of communication; agricultural, trade, communal and other types of enterprises organized by the state; and the basic housing funds of cities and urban-type communities. Any other type of property may also be under state ownership.

Land and its resources, waters and forests, being exclusively under state ownership, may be allocated only for use.

#### Article 96. Procedure for the disposition of state property which constitutes fixed assets

The procedure for transfer of state enterprises, buildings, structures, equipment and other property included in the fixed assets

of state organizations to other state organizations, or to collective farms and other cooperative and public organizations, is determined by legislation of the USSR and by decrees of the Council of Ministers of RSFSR.

State enterprises, buildings and structures are transferred gratuitously from one state organization to another.

The state property indicated in this Article may not be alienated to citizens, with the exception of certain types of property, the sale of which to citizens is permitted by legislation of the USSR and by decrees of the Council of Ministers of the RSFSR.

Article 97. Legal rights of state organizations in the disposition of working assets and goods produced

State organizations dispose of raw materials, fuel, materials, semi-finished products, money and other working assets, as well as finished products, in accordance with the designated purposes of such assets and in accordance with approved plans.

Article 98. Procedure for execution upon state property

Enterprises, buildings, structures, equipment and other property included in the fixed assets of state organizations may not be pledged and are not subject to execution to meet the claims of creditors.

All other property is subject to execution, with the exceptions established by the Code of Civil Procedure of the RSFSR or, with respect to money assets, by legislation of the USSR.

The procedure for execution to meet the demands of credit institutions for the repayment of loans made by them is determined by legislation of the USSR.

CHAPTER 9—OWNERSHIP BY COLLECTIVE FARMS, OTHER  
COOPERATIVE ORGANIZATIONS AND  
ASSOCIATIONS THEREOF

Article 99. Content of the right of ownership by collective farms, other cooperative organizations and associations thereof

Collective farms, other cooperative organizations and associations thereof possess, use and dispose of property belonging to them by right of ownership in accordance with their charters (by-laws).

The right to dispose of property owned by collective farms, other cooperative organizations and associations thereof belongs exclusively to such owners.

Article 100. Objects of the right of ownership by collective farms, other cooperative organizations and associations thereof

Under the ownership of collective farms, other cooperative organizations and associations thereof are their enterprises, cultural-service institutions, buildings, structures, tractors, combines, other machinery, transport equipment, working and producing live-stock, the goods produced by these organizations and other property appropriate to the purposes of their activity.

Article 101. Procedure for execution upon property of collective farms, other cooperative organizations and associations thereof

The following property belonging to collective farms, other cooperative organizations and associations thereof is not subject to execution to meet the claims of creditors: cultural-service institutions, buildings, structures, tractors, combines, other machinery, transport equipment and other property included in their fixed assets, as well as seed and fodder.

All other property is subject to execution, with the exceptions established by the Code of Civil Procedure of the RSFSR or, with respect to money assets, by legislation of the USSR.

The procedure for execution to meet the demands of credit institutions for the repayment of loans made by them is determined by legislation of the USSR.

## CHAPTER 10—OWNERSHIP BY TRADE-UNION AND OTHER PUBLIC ORGANIZATIONS

Article 102. Content of the right of ownership by trade-union and other public organizations

Trade-union and other public organizations possess, use and dispose of property belonging to them by right of ownership in accordance with their charters (by-laws).

The right to dispose of property owned by trade-union and other public organizations belongs exclusively to such owners.

Article 103. Objects of the right of ownership by trade-union and other public organizations

Under the ownership of trade union and other public organizations are their enterprises, buildings, structures, sanatoriums, rest homes, palaces of culture, clubs, stadiums and pioneer camps, together with their equipment, cultural-educational resources and other property which is appropriate to the purposes of the activity of these organizations.

Article 104. Procedure for execution upon property of trade-union and other public organizations

The following property belonging to trade-union and other public organizations is not subject to execution to meet the claims of creditors: enterprises, buildings, structures, equipment and other property included in the fixed assets of enterprises, sanatoriums, rest homes, palaces of culture, clubs, stadiums and pioneer camps, as well as cultural and educational resources.

All other property is subject to execution, with the exceptions established by legislation of the RSFSR or, with respect to money assets, by legislation of the USSR.

The procedure for execution to meet the demands of credit institutions for the repayment of loans made by them is determined by legislation of the USSR.

## CHAPTER 11—PERSONAL OWNERSHIP

Article 105. Objects of the right of personal ownership by citizens

Under the personal ownership of citizens may be property which is intended for the satisfaction of their material and cultural needs.

Each citizen may personally own his income from work and his savings, a house (or part of a house) and subsidiary household production, and household articles and articles of personal use and convenience.

Property under the personal ownership of citizens may not be used to derive non-labor income.

Article 106. Right of personal ownership of a house

A citizen may personally own one house (or part of a house).

Spouses living together and their minor children may have only one house (or part of a house) which belongs to any one of them by right of personal ownership or is jointly owned by them.

The right of ownership of one or several of the citizens indicated in paragraph 2 of this Article in a part of a house does not deprive the rest of such citizens of the right personally to own another part (parts) of the same house. However, spouses living together and their minor children may have only one apartment in a multiple-apartment building which belongs to a housing-construction collective made up of individual builders.

The maximum size of a house or part (parts) of a house belonging to a citizen by right of personal ownership may not exceed sixty square meters of living space.

However, the executive committee of the *rayon* or city Soviet of Workers' Deputies may permit a citizen who has a large family,

or a right to additional living space, to build, acquire or retain a house (part of a house) of larger size. In such case, the living space of the house (part of a house) must not exceed the size stipulated for the given family under norms for lessees in buildings belonging to local Soviets of Workers' Deputies taking into account the right to additional living space (Article 316).

Article 107. Termination of the right of personal ownership in more than one house

If a citizen or spouses living together and their minor children, on grounds permitted by law, acquire personal ownership in more than one house, the owner may, at his election, retain ownership in any one of such houses. The other house (houses) must be sold, given away or otherwise disposed of by the owner within one year.

The period of one year for voluntary transfer by the owner of a house (houses) is calculated from the day upon which the right of ownership in the second house (houses) arises.

If the owner fails to dispose of the house in some manner within the period of one year, such house is subject, upon decision of the executive committee of the *rayon* or city Soviet of Workers' Deputies, to compulsory sale under the procedure established by the Code of Civil Procedure of the RSFSR for the execution of court judgments. Proceeds from the sale are turned over to the former owner of the house, after reimbursement of the expenses connected with carrying out the compulsory sale.

In cases in which the compulsory sale of a house fails for want of buyers, the house passes gratuitously to the ownership of the state, upon decision of the executive committee of the *rayon* or city Soviet of Workers' Deputies.

The rules in this Article also apply, insofar as appropriate, to cases in which a citizen or spouses living together and their minor children personally own, upon grounds permitted by law:

- 1) in addition to one house, part (parts) of another;
- 2) parts of several houses;
- 3) part (parts) of one house exceeding the dimensions indicated in Article 106 of this Code;
- 4) more than one apartment in a multiple-apartment building belonging to a housing-construction collective made up of individual builders.

Article 108. Consequences of the acquisition of a right of personal ownership in a house when one already has an apartment in a building belonging to a housing-construction cooperative

If a citizen or spouses living together and their minor children personally own a house (part of a house) on grounds permitted by

law, and, simultaneously, an apartment in a building belonging to a housing-construction cooperative, the owner of the house (part of a house) may, at his election, retain either the house (part of a house) or the apartment in the building of the housing-construction cooperative. In the latter case, the owner must dispose of his house (part of a house) within one year from the date upon which the right of ownership in the house (part of a house) has arisen or from the date upon which the apartment of the housing-construction cooperative was occupied. A failure to fulfill this requirement results in the consequences specified in paragraphs 3 and 4 of Article 107 of this Code.

Article 109. Consequences of the unauthorized construction of a house

A citizen who builds a house (cottage) or part of a house (cottage) without the required permission or without properly approved plans, or with basic deviations from his plans, or with gross violations of the basic construction norms and rules, may not dispose of such house (cottage) or part of a house (cottage)—i.e., sell, give away, rent, etc.

By decision of the executive committee of the *rayon* or city Soviet of Workers' Deputies, such house (cottage) or part of a house (cottage) is torn down either by the citizen who has carried out the unauthorized construction or at his expense, or, by decision of a court, such house may be appropriated without compensation and added to the housing fund of the local Soviet of Workers' Deputies.

Upon the appropriation without compensation of a house (cottage) or part of a house (cottage) from a citizen on the basis of this Article, the court may deprive him and the persons living with him of the right to use living space in the house (cottage). However, if such citizens have no other premises suitable for permanent residence, the executive committee of the local Soviet of Workers' Deputies to which the appropriated house (cottage) has been transferred provides them with other premises.

Article 110. Consequences of the rescission of a contract providing a citizen with a plot of land for the construction of a house

If, in a situation specified by law or by contract, a contract providing a citizen with the indefinite use of a plot of land for the construction of a house or cottage is rescinded as a result of unlawful acts of the citizen with respect to structures erected on the plot of land, the consequences specified in paragraph 2 of Article 109 of this Code follow, unless otherwise provided by law.

If a house (cottage) is taken from its owner without compensation by decision of a court and added to the housing fund of the local Soviet of Workers' Deputies, the rules in paragraph 3 of Article 109 of this Code apply.

Article 111. Appropriation of property used for the production of non-labor income

If a house, cottage (part of a house or cottage) or other property owned by a citizen is systematically used by the owner for the production of non-labor income, such house, cottage (part of a house or cottage) or other property may be appropriated without compensation through a court action brought by the executive committee of the local Soviet of Workers' Deputies. A house (cottage) or part of a house (cottage) which is appropriated by decision of a court is added to the housing fund of the local Soviet of Workers' Deputies.

The rule in paragraph 1 of this Article does not apply in the case of leases of houses, cottages or premises therein where the conditions provided in Article 304 of this Code are observed.

The rules in paragraph 3 of Article 109 of this Code apply where a house (cottage) or part of a house (cottage) is appropriated without compensation by decision of a court and is added to the housing fund of the local Soviet of Workers' Deputies.

Article 112. Maximum amount of livestock which a citizen may personally own

The maximum amount of livestock which a citizen may personally own is established by legislation of the RSFSR.

Article 113. Personal ownership by a member of a collective-farm household

The personal labor income and savings of a member of a collective-farm household, as well as property acquired by him with his personal funds or obtained through inheritance or gift, and not transferred to the ownership of the household, constitute the personal property of such member of a collective-farm household.

A citizen who is a member of a collective-farm household may not personally own property which, according to the charter of the collective farm, may only belong to a collective-farm household.

Article 114. Property of citizens which is not subject to execution

A list of property of citizens which is not subject to execution to meet the claims of creditors is prescribed by the Code of Civil Procedure of the RSFSR.

Article 115. Ownership by artisans

The rules of this Code on personal ownership by citizens are applied to ownership by artisans who conduct small-scale businesses based on personal labor, without use of the labor of others, unless otherwise provided by law.

#### Article 116. Concept of ownership in common

Property may belong by right of ownership in common to two or more collective farms or other cooperative or public organizations, or to the state and one or more collective farms or other cooperative or public organizations, or to two or more citizens.

A distinction is made between ownership in common by shares (share ownership) and ownership in common without a determination of shares (joint ownership).

#### Article 117. Possession, use and disposition of common share property

The possession, use and disposition of common share property is carried out through agreement of all the participants. In the event of a dispute, the manner of possession, use and disposition is determined in an action brought by any of the participants.

An inter-collective-farm, state-collective-farm or other state-cooperative organization possesses, uses and disposes of the property allocated to it and belonging by right of ownership in common to its participants (collective farms, other cooperative organizations, state and collective farms, or state and other cooperative organizations) on the basis of operative management and in accordance with its charter (by-laws).

#### Article 118. Expenses for the maintenance of property under common share ownership

Each participant in common share ownership must participate in proportion to his share in the payment of taxes, charges and other payments on the common property, as well as in expenditures connected with maintenance and preservation of the property.

#### Article 119. Right of a participant in common share ownership to alienate his share

Each participant in common share ownership has a right to alienate his share to another person.

#### Article 120. Preferential right of purchase

In the event of the sale of a share to an outsider, the remaining participants in the common share ownership have a preferential right to purchase the share being sold at the price for which it is being sold and on the same conditions, except in the case of a sale by court auction.

The preferential right to purchase a house may be exercised in any case in which it does not contradict Article 106 of this Code.

The seller of a share must inform the other participants in the common share ownership in writing of his intention to sell his share to an outsider, with an indication of the price and the other conditions upon which he is selling it. If the remaining participants in the common share ownership decline to exercise their preferential right to purchase or, after being informed, fail to exercise it within a month in the case of a house, and ten days in the case of all other property, the seller may sell his share to any person.

In the event a share is sold in violation of such preferential purchase rights, any other participant in the common share ownership has a right within a period of three months to demand through a judicial proceeding a transfer to him of the rights and duties of the rights and duties of the purchaser.

#### Article 121. Separation of a share of common property

Each participant in common share ownership may demand a separation of his share from the common property.

If no agreement is reached on the method of division, the property is divided through a court action brought by any of the participants. Division is made in kind, if such is possible without disproportionate damage to the economic function of the property; if not, the owner whose share is being separated receives money compensation.

#### Article 122. Execution on a share in common property

A creditor of a participant in common share ownership may bring an action for the separation of the share of his debtor, for the purpose of execution thereon.

#### Article 123. Termination of rights of common share ownership of the state and citizens or of cooperative or public organizations and citizens

Rights of common share ownership of the state and citizens or of cooperative or public organizations and citizens are subject to termination by the following means, within one year from the date upon which the common ownership arose:

- 1) division of the property in kind, if such division is possible;
- 2) purchase by the state or by the cooperative or public organization of the shares belonging to citizens;
- 3) sale to citizens of the shares belonging to the state or to the cooperative or public organization;
- 4) sale of all the property, with a subsequent distribution of the proceeds among all the participants in the common ownership in proportion to their shares.

The election of one of the methods indicated above is made by agreement between the citizen and the appropriate state organ or

cooperative or public organization, or, in the absence of such an agreement, by a court.

The rights of common share ownership of the state and of citizens in property having a special value may in any individual case be terminated on the basis of a decree of the Council of Ministers of the RFSFR, with payment by the state of the value of the shares belonging to citizens.

In the event of the sale by a state organ or by a cooperative or public organization of its share in the common ownership of a house, a citizen occupying a part of the house as a tenant has a preferential right to purchase such part in accordance with the rules in Article 120 of this Code. If he declines to exercise this right or fails to exercise it, such right belongs to the remaining participants in the common ownership.

#### Article 124. Manner of use of a house under common share ownership

If an agreement between participants in the common share ownership of a house on the manner of using the individual premises in the house (apartments, rooms) in accordance with the shares of the participants is notarially certified and registered with the executive committee of the local Soviet of Workers' Deputies, such agreement binds any person who subsequently acquires a share in the common ownership of the house.

#### Article 125. Consequences of adding to, extending or reconstructing a building which is under common share ownership

If a participant in common share ownership of a house, in accordance with established rules, increases at his own expense the usable area of the house by means of an addition, extension or reconstruction, the shares in the common ownership of the house and the manner of using the premises are subject to corresponding changes upon demand of such participant.

#### Article 126. Ownership by a collective-farm household

The property of a collective-farm household belongs to its members by right of joint ownership (Article 116).

A collective-farm household may own the subsidiary production on its garden plot, a house, producing livestock, poultry and minor agricultural implements, in accordance with the charter of the collective farm.

In addition, a collective-farm household owns the income derived from working the collective economy of the collective farm which has been transferred to its ownership by members of the household, or any other property transferred to the ownership of the household, and also any household articles and articles of personal use acquired with common funds.

Article 127. Possession, use and disposition of property of a collective-farm household

Possession, use and disposition of the property of a collective-farm household is carried out with the consent of all of its members.

A dispute over the possession, use or disposition of the property of a household is decided by a court in an action brought by any member of the household who has attained 16 years of age.

Members of the household who are 15 years of age may bring such actions with the consent of their parents, adoptive parents or curators, and actions in the interests of members of the household under 15 years of age are brought by their parents, adoptive parents or tutors.

Article 128. Liability of a collective-farm household for obligations of its members

Legal acts concluded by the head of a collective-farm household create liabilities in regard to property of the household, unless it appears from the circumstances that the legal act was concluded in the personal interests of the head of the household.

The obligations of other members of the household create liabilities in regard to their personal property, as well as to their shares in the property of the household (Article 129), unless it appears from the circumstances that a given legal act was concluded in the interest of the household. Property of the household is subject to execution for the compensation of injury caused by a crime committed by a member of the household, if by the judgment of the court it is established that such property has been acquired through funds obtained by criminal means or has been increased through the use of such funds.

A list of the property of a collective-farm household which is not subject to execution to satisfy the claims of creditors is prescribed by the Code of Civil Procedure of the RSFSR.

Article 129. Determination of shares in the property of a household

The share of a member of a collective-farm household in the property of the household is determined upon his departure from the household without creating a new household (separation), upon partition of the household, and also in the event of execution on such share in connection with his personal obligations.

The size of a share of a member of a household is determined basically on the principle of equality of shares of all members of the household, including minors and disabled persons.

The share of an able-bodied member of a household in the property of the household may be reduced because of the brevity of his residence in the household or his negligible participation by means of labor or funds in the economy of the household.

Article 130. Separation from a collective-farm household

Upon the departure of one or more members of a collective-farm household, a separation of his or their shares is made in kind in such a way as not to deprive the household of buildings, livestock or agricultural implements necessary for its subsidiary production.

If it is impossible to separate in kind the share of property allocated to a member of the household, its value is paid in money.

The right to demand a separation of property upon departure from a household belongs to members of the household who have reached 16 years of age. Members of the household who are 15 years of age may demand a separation with the consent of their parents, adoptive parents or curators. Parents, adoptive parents or tutors may demand a separation in the interest of members of the household who have not reached 15 years of age.

Article 131. Partition of a collective-farm household

Upon partition of a collective-farm household, its property is divided among the newly created households in accordance with the shares of their members, taking into account the economic needs of each of these households.

All members of a collective-farm household who are of full legal age and members of the given collective farm have a right to demand partition of the household.

Article 132. Loss of the right to a share in the property of a collective-farm household

An able-bodied member of a collective-farm household loses his right to a share in the property of a household if he has failed to participate by means of his labor and funds in the common economy of the household for three successive years. This rule does not apply if a member of a household fails to participate in the economy of the household because of a call to a period of military service, study at an educational institution or illness.

Article 133. Partition of the property of a collective-farm household after its termination

Partition of the property belonging to a collective-farm household and retained after termination of the household is carried out according to the rules in Articles 129 and 132 of this Code.

Article 134. Ownership by an individual peasant household

In addition to the property indicated in Article 126 of this Code, an individual peasant household may own working livestock (with the permission of the Council of Ministers of the autonomous republic or of the executive committee of the *kray* or *oblast'* Soviet

of Workers' Deputies) and agricultural implements necessary for working the plot of land allocated to its use without the participation of outside labor.

The property indicated in paragraph 1 of this Article may not be personally owned by the members of an individual peasant household.

The property of an individual peasant household indicated in this Article belongs to its members by right of joint ownership (Article 116).

Articles 127-133 of this Code apply insofar as appropriate to the right of joint ownership by an individual peasant household.

## CHAPTER 13—ACQUISITION AND TERMINATION OF THE RIGHT OF OWNERSHIP

### Article 135. The time at which the right of ownership arises in a person acquiring property under a contract

The right of ownership in a person acquiring property under a contract (or, with respect to state organizations, the right of operative management of property) arises at the time of transfer of the article, unless otherwise provided by law or by the contract.

If a contract for the alienation of an article must be registered, the right of ownership arises at the time of registration.

### Article 136. Transfer of goods

Transfer is deemed to be the delivery of goods to the purchaser or the surrender to a transport organization or post office for shipment to the purchaser of goods alienated without an obligation to deliver. Transfer of a bill of lading or document of title regarding goods is equivalent to a transfer of the goods themselves.

### Article 137. Goods which may be acquired only with special permission

A list of goods which, on account of their importance to the national economy, considerations of state security or other grounds, may be acquired only with special permission (weapons, aircraft, strong poisons, etc.) and the procedure for issuing such permission are determined by legislation of the USSR and by the decrees of the Council of Ministers of the RSFSR.

Gold, silver, platinum and metals of the platinum group, in coin, ingot and raw form, foreign currency and payment documents expressed in foreign currency (drafts, checks, transfers, etc.) and foreign investment paper (stocks, bonds, coupons, etc.) may be acquired only through the procedure and within the limits established by legislation of the USSR.

#### Article 138. Risk of accidental destruction

The risk of accidental destruction or accidental damage to goods which are being alienated passes to the purchaser at the time his right of ownership arises, unless otherwise provided by the contract.

If a seller is late in transferring goods or a buyer is late in accepting them, the risk of accidental destruction or accidental damage is borne by the delinquent party.

#### Article 139. Primary article and accessory

An accessory, i.e., a thing which is intended to serve a primary article and is connected with it in terms of a common economic function, follows the fate of the primary article, unless otherwise provided by law or by contract.

#### Article 140. Right of ownership in fruits and income

Fruits, offspring of animals and income which a thing yields belong to the owner of the thing, unless otherwise provided by law or by a contract between the owner and another person.

#### Article 141. Neglected buildings

If a citizen neglects a building belonging to him and permits it to fall into ruin, the executive committee of the local Soviet of Workers' Deputies may designate a reasonable period of time in which the owner must repair the building. If the citizen, without valid excuse, fails to carry out the necessary repair, a court may, through an action brought by the executive committee of the *rayon* or city Soviet of Workers' Deputies, appropriate the neglected building without compensation and transfer it to the housing fund of the local Soviet of Workers' Deputies.

#### Article 142. Neglected cultural objects of value

If a citizen mistreats property belonging to him which is of significant historical, artistic or other value to society, state organizations whose task it is to preserve such property warn the owner to cease his neglect of the property. If the owner fails to comply with this demand, a court may, through an action brought by the proper organization, appropriate the property, which then passes to the state. The citizen is compensated for the value of the appropriated property in an amount fixed by agreement or, in case of dispute, by the court. In a case of urgent necessity, a suit for the appropriation of such property may be brought without a preliminary warning.

#### Article 143. Ownerless property

Property which has no owner or the owner of which is unknown (ownerless property) passes to the state by decision of a court made

upon application of a finance organ. Such application is made one year after registration of the property.

Ownerless property belonging to a collective-farm household comes under the ownership of the collective farm on the territory of which the property is located by decision of a court made upon application of the collective farm. Such application is submitted one year after registration of the property on the inventory of the executive committee of the rural Soviet of Workers' Deputies.

The procedure for disclosing and registering ownerless property is determined by the Ministry of Finance of the RSFSR.

#### Article 144. Found property

The finder of lost property must immediately inform the person who has lost it and return the found article to him or make a report concerning the found article and hand it over to the police or to the executive committee of the rural Soviet of Workers' Deputies, or, if an article has been found in an institution, enterprise or transport vehicle, it must be turned over to the administration of the corresponding organization.

#### Article 145. Custody of found articles

If the person who has lost an article is not located within a period of two weeks, the administration of the organization to which the found article has been given turns it over to the police or to the executive committee of the rural Soviet of Workers' Deputies. Transport organizations keep and sell found articles in accordance with existing transport regulations.

The police and the executive committee of the rural Soviet of Workers' Deputies are required to keep found articles turned over to them for three months. In the event the person who has lost an article is discovered within such period, the article is returned to him. If the person is not discovered within such period, the article passes gratuitously to the state.

#### Article 146. Compensation of a finder's expenditures

A person who finds and returns an article to the person who has lost it, or who turns over an article in the prescribed manner (Article 144), has a right to obtain compensation for expenditures connected with keeping and turning over the article from the person who has lost it or, in case the article passes to the state, from the appropriate state organization.

#### Article 147. Unattended livestock

A person who detains livestock which is unattended or has strayed is required to inform the owner of the livestock immediately and to return it to him, or to inform the police or the executive

committee of the rural Soviet of Workers' Deputies within three days of his detention of the livestock.

The police or the executive committee of the rural Soviet of Workers' Deputies must take measures to locate the owner of the livestock and, observing the veterinary rules for its maintenance, transfer the livestock for the period of the search to the use of the nearest state or collective farm, the manager of which has no right to refuse to accept the livestock.

If the owner of working livestock or cattle (and their offspring) is discovered within six months, or, in the case of minor livestock (and their offspring), within two months, after the date of their transfer to a state or collective farm, the livestock is returned to the owner, who is required to compensate the state or collective farm for expenditures connected with care of the livestock, less any benefit obtained through their use.

If the owner of livestock is not discovered within the period indicated in paragraph 3 of this Article, he loses his right of ownership in the livestock. In such a case, livestock kept on a collective farm passes gratuitously to the ownership of the collective farm, and livestock kept on a state farm passes gratuitously to the state and is included in the inventory of property of the state farm where it is kept.

#### Article 148. Treasure trove

Treasure trove, i.e., money or other valuables hidden in the ground or secreted in some other manner, the owner of which cannot be established or has lost his right thereto by operation of law, passes to the ownership of the state and must be turned over to the finance organs by its finder.

A person who discovers and turns over to the finance organs gold and silver coins, Soviet and foreign currency, precious stones, pearls or precious metals in ingots, manufactured articles or scrap, is given compensation in an amount equal to 25 percent of the value of the articles turned over, except in cases in which the excavation of or search for such articles falls within the employment duties of such person.

#### Article 149. Requisition and confiscation

Appropriation of property from its owner by the state in the state or public interest, with payment for its value (requisition), as well as appropriation without compensation by the state of property as a penalty for violation of the law (confiscation), is permitted only in those cases and in the manner prescribed by legislation of the USSR and the RSFSR.

Article 150. Appropriation of precious metals and diamonds

The possessors of diamonds or of precious metals (gold, platinum and silver) in the form of ingots, concentrates or raw ore, in semi-finished goods or in goods intended for productive or laboratory purposes, which are appropriated by decrees of investigation agencies or courts, are paid the value of the appropriated objects in the event such possessors are sentenced without confiscation of their property or are acquitted, or in the event of termination of the case, and the metals themselves are in all cases turned over to the ownership of the USSR.

#### CHAPTER 14—PROTECTION OF THE RIGHT OF OWNERSHIP

Article 151. Recovery by an owner of property in the unlawful possession of another person

An owner has the right to recover his property from the unlawful possession of another person.

Article 152. Recovery of property from one who has acquired it in good faith

If property has been purchased for value from a person who has no right to alienate it, and the purchaser did not know and should not have known of this (a bona fide purchaser), the owner may recover his property from the purchaser only in a case in which it has been lost by the owner or by a person into whose possession the owner had transferred it, or has been stolen from one or the other, or has otherwise left their possession against their will.

A recovery of property on the grounds indicated in paragraph 1 of this Article is not permitted if the property has been sold in the manner prescribed for the execution of judicial decisions.

If property has been acquired gratuitously from a person who had no right to alienate it, the owner may recover the property in all cases.

Article 153. Recovery of unlawfully alienated state, cooperative and public property

State property, as well as the property of collective farms and other cooperative and public organizations, which has been unlawfully alienated by any means, may be recovered by such organization from any person who has acquired it.

Article 154. Recovery of money and securities from a bona fide purchaser not permitted

Money, as well as bearer securities, may not be recovered from a bona fide purchaser (Article 152).

Article 155. Accounting upon the return of articles from unlawful possession

In recovering property on the basis of Article 151 of this Code, an owner may likewise demand from a person who knew or should have known that his possession was unlawful (a bad-faith possessor) the return of or compensation for all income which such person has derived or should have derived therefrom during the period of possession; from a bona fide possessor, all income which he derived or should have derived after the time he knew or should have known of the unlawfulness of his possession or received notice of an action by the owner for return of the property. Either a bona fide or a bad-faith possessor may demand compensation from the owner for necessary expenditures made with respect to the property during the period in which the owner is entitled to the income from the property.

A bona fide possessor may retain improvements which he had made, if such improvements may be separated without harm to the article. If such a separation of the improvements is impossible, the bona fide possessor has a right to demand compensation for the expenditures which he has made on the improvements, but not in excess of the amount of increase in the value of the article.

Article 156. Protection of the rights of an owner from infringements not connected with his being deprived of possession

An owner may demand elimination of all violations of his rights, even if such violations were not accompanied by his being deprived of possession.

Article 157. Protection of the rights of a possessor who is not an owner

The rights specified in Articles 151-156 of this Code likewise belong to a person who, although he is not an owner, is a possessor of property by virtue of law or contract.